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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,773	10/30/2003	Renzo Colle	34847-349 / 2003P00636US	7784
64280 7590 03/11/2008 MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO, P.C. ATTN: PATENT INTAKE CUSTOMER NO. 64280 ONE FINANCIAL CENTER BOSTON, MA 02111			EXAMINER CARDENAS NAVIA, JAIME F	
			ART UNIT 4182	PAPER NUMBER
			MAIL DATE 03/11/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/696,773	<b>Applicant(s)</b> COLLE ET AL.	
	<b>Examiner</b> Jaime F. Cardenas-Navia	<b>Art Unit</b> 4182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>October 30, 2003, February 16, 2004, September 14, 2004, August 1, 2005, and August 10, 2005.</u> | 6) <input type="checkbox"/> Other: _____  |



## **DETAILED ACTION**

### ***Introduction***

1. This **NON-FINAL** office action is in response to applicant's submission filed on October 30, 2003. Currently, claims 1-13 are pending.

### ***Priority***

2. Applicant's claim for the benefit of prior-filed provisional applications 60/433,042 filed December 12, 2002 and 60/452,383 filed March 5, 2003 under 35 U.S.C. 119(e) is acknowledged.

### ***Information Disclosure Statement***

3. The information disclosure statements (IDS) submitted on October 30, 2003, February 16, 2004, September 14, 2004, August 1, 2005, and August 10, 2005 have been considered by the examiner.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. **Claims 1-13 are rejected** under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

A “computer program” does not fall into one of the four categories of patent eligible subject matter recited in 35 U.S.C. 101 (process, machine, manufacture, or composition of matter). Software, programming, instructions or code not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in a computer. When such descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases. Furthermore, software, programming, instructions or code not claimed as being computer executable are not statutory because they are not capable of causing functional change in a computer. In contrast, when a claimed computer-readable medium encoded with a computer program defines structural and functional interrelationships between the computer and the program, and the computer is capable of executing the program, allowing the program’s functionality to be realized, the program will be statutory.

For purposes of examination, the claims have been interpreted as a properly claimed computer program product.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1-13 are rejected** under 35 U.S.C. 102(e) as being anticipated by Bansal et al. (US 2007/0219842 A1).

**Regarding claim 1**, Bansal teaches a computer program product (par. 129) that when executed generates a graphical user interface (Fig. 2) on a display device for using a computer (par. 130, 131) to schedule the performance of service actions (Fig. 2), the graphical user interface comprising:

a planning board display for scheduling information associated with a period of time (Fig. 2), the scheduling information including:

resource identifiers, each resource identifier representing a resource and wherein at least one resource identifier represents a human resource and at least one resource identifier represents a reusable resource (Fig. 2, note human resource names, recommended skills, tools, and parts), and

unavailability indications, each unavailability indication representing that a resource represented by one of the resource identifiers is not available to be scheduled for a portion of the period of time for which the scheduling information is being displayed (Fig. 2); and

an alert display for messages associated with the scheduling information displayed using the planning board display wherein at least one message includes information associated with a constraint other than a resource constraint (Fig. 2, par. 4, lines 15-18, par. 69).

**Regarding claim 2**, Bansal teaches wherein at least one resource identifier represents a non-reusable resource (Fig. 2, screws).

**Regarding claim 3**, Bansal teaches wherein an unavailability indication for a first resource includes an indication of an association with a second resource for a particular period of time (Fig. 2, par. 37, the skills, parts, and tools associated with the person that is unavailable because they have been assigned to a task).

**Regarding claim 4**, Bansal teaches wherein the first resource is a human resource, and the second resource is a reusable resource (Fig. 2, par. 37, the skills, parts, and tools associated with the person that is unavailable because they have been assigned to a task is shown).

**Regarding claim 5**, Bansal teaches wherein the interface includes a relationship control operable to allow a user to associate a first resource identifier representing a first resource in the planning board display with a second resource identifier representing a second resource such that the first resource and the second resource are associated for a particular period of time (Fig. 2, filtering by territory, skills, parts, par. 66, user can drag and drop objects into desired time-frames, par. 67), and

the planning board display includes an association indication of the association of the first resource and the second resource for the particular period of time (Fig. 2, filtering by territory, skills, parts).

**Regarding claim 6**, Bansal teaches wherein an unavailability indication for a resource includes an indication of a period of time in which the resource is (1) not available and (2) not assigned to a task item (Fig. 2).

**Regarding claim 7**, Bansal teaches wherein the planning board display comprises a planning board window wherein the display position of the planning board window on a display device is controllable by a user (par. 33, 34).

**Regarding claim 8**, Bansal teaches wherein the planning board display comprises a planning board pane wherein the display position of the planning board pane on a display device is fixed (par. 33, 34).

**Regarding claim 9**, Bansal teaches wherein the interface comprises a task display for task items to be scheduled wherein the task items to be scheduled include at least one task item requiring a human resource and at least one task item requiring a reusable resource (Fig. 2).

**Regarding claim 10**, Bansal teaches wherein the task display comprises a hierarchical task display for showing a hierarchy of task identifiers, each task identifier representing a task item for a service action to be performed (Fig. 2).

**Regarding claim 11**, Bansal teaches wherein the task display comprises a task display capable of displaying different types of task information for task items, wherein a user identifies types of task information to be displayed for the task items (Fig. 2).

**Regarding claim 12**, Bansal teaches a computer program product (par. 129) that when executed generates a graphical user interface (Fig. 2) on a display device for using a computer (par. 130, 131) to schedule the performance of service actions that involve activities at multiple locations (Fig. 2), the graphical user interface comprising:



a planning board display for scheduling information associated with a period of time (Fig. 2), the scheduling information including:

resource identifiers, each resource identifier representing a human resource and wherein at least one resource identifier represents a field technician and at least one resource identifier represents a central workshop technician (Fig. 2, par. 37, depending on the technician's skill set, they could either be a field technician or a central workshop technician), and

unavailability indications, each unavailability indication representing at least one of the resources represented by one of the resource identifiers is not available to be scheduled for a portion of the period of time for which the scheduling information is being displayed (Fig. 2);

a task display for showing task identifiers, each task identifier representing a task for a service action to be performed at a specified location (Fig. 2, 3A, 3B, par. 19), wherein:

a first task identifier represents a first task item to be performed at a field location (Fig. 2, 3A, 3B, par. 19)

a second task identifier represents a second task item to be performed at a central workshop location that is different from the field location (Fig. 2, 3A, 3B, par. 19), and

the first and second task items are to be completed as part of a service action (par. 19, 68, multiple service personnel may be assigned to the same activity, and though they are assigned to the same activity, they are not required to be assigned to the same location); and

an alert display for messages associated with the scheduling information displayed using the planning board display wherein at least one message includes information associated with a constraint other than a resource constraint (Fig. 2, par. 4, lines 15-18, par. 69),

wherein the field technician is associated with the first task item and the central workshop technician is associated with the second task item (Fig. 2, 3A, 3B, par. 19).

**Regarding claim 13**, Bansal teaches wherein:

the first task item includes a field human resource skill requirement (Fig. 2, par. 7),

the second task item includes a central workshop human resource skill requirement (Fig. 2, par. 7),

information associated with the resource identifier representing the field technician includes an indication of a skill possessed by the field technician (Fig. 2, par. 7),

information associated with the resource identifier representing the central workshop technician includes an indication of a skill possessed by the central workshop technician (Fig. 2, par. 7),

the field technician is associated with the first task item only when the indication of the skill possessed by the field technician matches the field human resource skill requirement of the first task item (Fig. 2, par. 7), and

the central workshop technician is associated with the second task item only when the indication of the skill possessed by the central workshop technician matches the central workshop human resource skill requirement of the second task item (Fig. 2, par. 7).

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Purohit et al. (US 2007/0208604 A1) teaches scheduling field workers with matching skills and tools to activities.

De Goeij (US 2003/0110070 A1) teaches performing coordinated processes at different locations.

Edinger et al. (US 2002/0194047 A1) teaches end-to-end service delivery, including analyzing requests for service, devising an action plan, and allocating the proper resources to resolve customer issues.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime F. Cardenas-Navia whose telephone number is (571)270-1525. The examiner can normally be reached on Mon-Thur, 9:30AM - 8:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on (571) 272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

February 27, 2008

/Jaime F Cardenas-Navia/  
Examiner, Art Unit 4182

/Thu Nguyen/  
Supervisory Patent Examiner, Art Unit 4182